



**23-0996**

**TITLE:** Consider/Discuss/Act on Adoption of a Resolution Determining a Public Necessity to Acquire Property Easement Rights for Public Use by Eminent Domain for a Water Line Easement and a Temporary Construction Easement associated with the Independence Parkway 24 Inch Water Line Project (WA0210) which Property is Located on US 380/W. University Drive, West of Custer Road and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions

**COUNCIL GOAL:** Operational Excellence

(2B: Balance available resources to accommodate the growth and maintenance needs of the City)

**MEETING DATE:** December 5, 2023

**DEPARTMENT:** Development Services / Engineering

**CONTACT:** Gary Graham, PE, PTOE, Director of Engineering  
Todd Wright, Real Estate Acquisitions Administrator

**RECOMMENDED CITY COUNCIL ACTION:**

- Approval of Resolution using a motion in a form substantially similar to the following:

*"I move that the City of McKinney, Texas, City Council approve this item as written and adopt the Resolution described in this agenda item and authorize the use of the power of eminent domain to acquire for public use all necessary property interests from Carol Story, Trustee, or her successors in trust, of the Story Family Trust, U/T/A dated September 7, 2010, identified as the owner of record by the Collin Central Appraisal District, and any other persons or entities claiming an interest to the*

*property depicted on and described by metes and bounds attached to said Resolution, said depictions and descriptions being incorporated in their entirety into this motion for all purposes including the construction, access and maintenance of infrastructure improvements located on US 380/W. University Drive, west of Custer Road associated with the Independence Parkway 24 Inch Water Line Project (WA0210).”*

- A roll call vote is required for this item.

**ITEM SUMMARY:**

- This Resolution provides authority to the City Manager to execute documents for the acquisition of property rights and the use of Eminent Domain to condemn property interests in order to acquire a Water Line Easement and a Temporary Construction Easement necessary for the Independence Parkway 24 Inch Water Line Project (WA0210).

**BACKGROUND INFORMATION:**

- Construction of the 24 inch water main is required per the City of McKinney Water Master Plan to support area growth and loop portions of the existing water distribution system. Construction of the project is scheduled to begin in July, 2024.
- The Project requires the acquisition of a Water Line Easement and a Temporary Construction Easement from the property owner.
- The property owner has been informed of the Project details and necessity for the acquisition of portions of their property.
- Initial and Final offer letters were presented to the property owner based on a valuation by an independent third-party appraiser.
- The property owner has not responded to the City’s final offer letter.
- While staff will continue efforts to work with the property owner in order to acquire the easements amicably, it is necessary to begin condemnation proceedings to keep the project on schedule.
- The property owner is identified below and is described and depicted in the attached Resolution as Exhibit A, Tract I and Exhibit A, Tract II. The acquisition of the easements are necessary for the Independence Parkway 24 Inch Water Line Project (WA0210).

Property Owner	Description	Area/Acres	Resolution Exhibit
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<i>Carol Story, Trustee, or her successors in trust, of the Story Family Trust, U/T/A dated September 7, 2010</i>	Water Line Easement Temporary Construction Easement	0.4606 acres 0.5558 acres	Exhibit A, Tract I Exhibit A, Tract II
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**FINANCIAL SUMMARY:**

- Funds for the property acquisition are available in Project WA0210.

**BOARD OR COMMISSION RECOMMENDATION:**

- N/A

**SUPPORTING MATERIALS:**

[Resolution](#)

[Exhibits A-B](#)

[Location Map](#)